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PO Buonora reported that when he testified before the grand jury he was sworn in and testified also that he heard the weapon fall during the pursuit, saw the gun on the ground and safeguarded it. PO Buonora was not aware of any problem with the case until the suppression hearing. When asked why he testified falsely, PO Buonora reported, "I thought he was helping the District Attorney with her case."

**INTERVIEW OF POLICE OFFICER JAMES VARA
SHIELD NUMBER 2526, SERIAL NUMBER 8204, HIGHWAY PATROL BUREAU**

On December 7, 2005, D/Sgt. Duryee interviewed P.O. James Vara, Serial Number 8204, formerly of the Third Precinct, currently assigned to Highway Patrol, as a subject of this investigation. Also present at that time of the interview were Detective Lieutenant [REDACTED] Internal Affairs Unit, Attorney [REDACTED] and PBA Delegate PO [REDACTED], Serial Number [REDACTED] Highway Patrol Bureau. Inspector [REDACTED] Serial Number [REDACTED] observed the interview process. A written report was submitted and is attached.

P.O. Vara reported that on October 9, 2004, he was working a 1900 to 0700 tour of duty assigned to RMP 318. At about 0430 hours, he observed a vehicle traveling 55 miles per hour in a 35 mile per hour zone, westbound on Jericho Turnpike in New Hyde Park. The vehicle was stopped at Jericho Turnpike and Holland Avenue, Floral Park.

P.O. Vera approached the vehicle and observed a male now known as Darryl Coggins, operating the vehicle. P.O. Vara reported that he observed the odor of an alcoholic beverage on his breath, glassy eyes, and impaired motor skills in that he fumbled when he took his license out of his wallet. P.O. Vara reported that he requested Mr. Coggins to get out of the vehicle and conducted field tests for

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intoxication and attempted three times to obtain a proper portable breath test sample put was unsuccessful.

P.O. Vara denied that he administered the test through the driver's side window of Mr. Coggins's vehicle. He reported that the test was conducted while Mr. Coggins was on the sidewalk and that he took his eyes off Mr. Coggins and reached into his RMP through an open window on the passenger side of the RMP, to get the portable breath unit. When the tests were unsuccessful he again took his eyes off Mr. Coggins and put the unit back into the RMP.

P.O. Vara reported that he did not wait for assistance to arrive before he conducted the tests. He reported that it was about twenty minutes before the first unit arrived to assist him.

P.O. Vara reported that Mr. Coggins became agitated when P.O. Buonora in RMP 303 and a Floral Park Police Officer arrived. Mr. Coggins began to walk westbound on Jericho Turnpike. He took two or three steps before P.O. Vara grabbed his left wrist and advised him that he was under arrest. P.O. Vara was unable to maintain a hold of the wrist and had a hold of Mr. Coggins' shirt. Mr. Coggins pulled away, tripped, fell to his hands. He regained his balance and began running eastbound on Jericho Turnpike and then northbound on Holland Avenue.

P.O. Vara pursued Mr. Coggins, with PO Bounora right behind him. P.O. Vara reported that while they were on Holland Avenue P.O. Buonora stated in sum and substance, "Just shoot him."

P.O. Vara observed Mr. Coggins jump over a chain link fence in the driveway of 6 Holland Avenue. P.O. Vara heard a, "Metal noise as if something hit the ground." P.O. Vara looked down and observed, "A dark object laying on the ground."

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P.O. Vara reported that he did not recover the object or safeguard it. He reported that he had his flashlight in his pocket but he did not use it to identify the object. He reported that his main concern at that time was the subject returning to his auto and escaping.

P.O. Vara reported that he did not jump over the fence. He left P.O. Buonora in the driveway and returned to the subject's vehicle. P.O. Vara went to the driver's side and instructed the two occupants to remain in the vehicle. He also took the keys to the auto.

P.O. Vara left the occupants unguarded and ran to Hinsdale Avenue to look for Mr. Coggins. On Hinsdale, P.O. Vara met the same Floral Park officer who had stopped earlier. P.O. Vara reported that he did not tell that officer about the object in the driveway and did not ask him to secure it.

P.O. Vara reported that he broadcast a notification reading the subject's description from the driver's license that he had with him. P.O. Vara did not include in the notification that something metal was dropped in the driveway of 6 Holland Avenue and he did not request assistance in recovering it.

P.O. Vara requested K9 for a search of the area, and asked Communications Bureau to notify the Desk Officer. P.O. Vara did not request a supervisor to respond to the scene. P.O. Vara reported further that he heard via radio that a, "Clip and gun had been found." PO Vara did not recall which notification he heard first. **(INVESTIGATORS NOTE: The notification for finding the magazine came first.)** P.O. Vara reported that he was aware that the notification said Floral Park Police found a gun at 6 Holland Avenue.

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P.O. Vara reported that he returned to 6 Holland and observed several officers, including P.O. Bounora, standing around a black 9mm handgun in the area where P.O. Vara earlier observed the black object.

P.O. Vara reported that at no point did he safeguard the weapon. P.O. Vara returned to the subject's vehicle and observed a loaded clip on the ground by the driver's side door. He reported that he questioned the passengers.

P.O. Vara reported that When a K9 Officer responded, PO Vara went with him and conducted a search with negative results. When Detective Barnych arrived in the early morning hours, he advised Detective Barnych of the events that took place and the fact that P.O. Buonora was in foot pursuit with him, he does not know why P.O. Buonora's name was not on the arrest paperwork.

P.O. Vara reported that he was with Detective [REDACTED] Serial Number [REDACTED] Crime Scene Search Unit, when he recovered a ring from the rear of a house on the east side of Hinsdale Avenue, directly behind 6 Holland Avenue, Floral Park. P.O. Vara reported that at no time did he tell Detective Barnych that he recovered the ring.

P.O. Vera reported that he did not talk to P.O. Buonora about this case until preparation for the Grand Jury and that he did not review the felony complaint prepared by Detective Barnych. The first time he was aware of any question over who found the weapon was at a Pretrial Suppression Hearing.

P.O. Vara reported that the District Attorney attempted to present Speeding, Resisting Arrest and Driving While Intoxicated charges to the Grand Jury, but was unsuccessful. When asked if he documented any of his observations during field testing or prepared any paperwork or make memo book entries with regard to the three portable breath test attempts, P.O. Vara reported that he did not.

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P.O. Vara reported that about three weeks later he prepared PDCN Form 234 (Standard Departmental Recognition Request). As he was preparing the form, he wanted to cut and paste the narrative from the case report that he had prepared on October 9, 2004. He mistakenly cut and pasted Detective Barnych's arrest report narrative that had incorrect details. P.O. Vara reported that he did not read the report and signed it as being a true statement of fact. He reported that the statement of him finding and safeguarding the weapon was not true.

**INTERVIEW OF DETECTIVE NICHOLAS OCCHINO
SERIAL NUMBER 7224, SHIELD NUMBER 938, THIRD SQUAD**

On December 14, 2005, Detective Sergeant Duryee interviewed Detective Occhino as a subject of this investigation. Also present at that time were Detective Lieutenant [REDACTED], DAI Attorney [REDACTED] and DAI Delegate Detective [REDACTED], Serial Number [REDACTED] Arson/Bomb Squad. A written report was submitted and is attached.

Detective Occhino reported that on October 9, 2004, he was working a 0700 to 1700 tour of duty in the Third Squad. At about 0800 hours, he became aware of an investigation in which a subject fled from police during a traffic stop in Floral Park, New York. At about 0835 hours, Detective Occhino responded to that location with Detective Alexander Barnych, Serial Number 6356, also of the Third Squad. Detective Barnych was responsible for the cases during that tour.

At Jericho Turnpike and Holland Avenue, Detective Occhino learned that the incident had occurred about four hours earlier. Detective Occhino observed P.O. James Vara, Serial Number 8204, Third Precinct, standing near a four-door sedan that belonged to the subject who fled the scene. Detective Occhino also